IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 11960 of 2007(W)

PETITIONER:

K.DINESH, RESIDING AT KOCHUMUTTATHU VEEDU, PERAYAM, MULAVANA P.O., KOLLAM.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:
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1. DISTRICT SUPERINTENDENT OF POLICE, OFFICE OF THE DISTRICT SUPERINTENDENT OF POLICE, KOLLAM.

2. THE ADDITIONAL TAHASILDAR, OFFICE OF THE TAHASILDAR, KOLLAM.

3. THE GEOLOGIST, OFFICE OF THE GEOLOGIST, CIVIL STATION, KOLLAM.

4. THE SUB INSPECTOR OF POLICE, KUNDARA POLICE STATION, KUNDARA, KOLLAM.

5. GOPINATHAN, MULLAMANGALATHU VEEDU, PERAYATHU CHERRY, MULUVANA, KOLLAM.

6. SUNDARASAN, MULLAMANGALATHU VEEDU, PERAYATHU CHERRY, MULUVANA, KOLLAM.

7. LILAMANI, MULLAMANGALATHU VEEDU, PERAYATHU CHERRY, MULUVANA, KOLLAM.

8. THE SECRETARY, PERAYAM GRAMA PANCHAYAT, KOLLAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.K.SRIKUMAR
SRI.C.N.SREEKUMAR
SRI.P.R.AJITHKUMAR
SRI.K.MANOJ CHANDRAN
SRI.B.MOHANLAL
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).11960/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE CHELLAN NUMBER 138 DATED 26.2.2007 ISSUED TO THE PETITIONER BY THE STATE BANK OF TRAVANCORE.

EXT.P2: COPY OF THE PERMIT NO.42/2006-07/DOQ/MM/LT/S2/889/2007 DATED 26.2.2006 PASSED BY THE FOURTH RESPONDENT.

EXT.P3: COPY OF THE ORDER NO.C4.2482/07 DATED 20.2.2007 PASSED BY THE SECOND RESPONDENT.

EXT.P4: COPY OF THE REPRESENTATION DATED 28.2.2007 SUBMITTED BY THE PETITIONER BEFORE THE REVENUE DIVISIONAL OFFICER.

EXT.P5: COPY OF THE COMPLAINT DATED 27.3.2007 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.11960 OF 2007 (W)

Dated this the 12th day of April, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection for extraction of building stones from the petitioner's property on the basis of Ext.P2 permit. It is noticed that the Revenue Divisional Officer has stopped the extraction of the same on 20.2.2007. It is also submitted that petitioner has filed an appeal. When there is a prohibitory order from the statutory authorities, it is not proper for this Court to grant police protection before vacating of the same. If all prohibitory orders are vacated, petitioner is free to approach the police for protection and obey the orders strictly as per the permit. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007